A Guide For
Young Muslims

MARRIAGE AND FAMILY IN ISLAM

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Preface

Given the limitations of human knowledge, Allah has spared humanity the risk of trial and error, and generously guided humanity with the religion of Islam.

اَلْيَوْمَ اَكْمَلْتُ لَكُمْ دِيْنَكُمْ وَ اَتْمَمْتُ عَلَيْكُمْ نِعْمَتِيْ وَ رَضِيْتُ لَكُمُ الْاِسْلَامَ دِيْنًا

"...This day have I perfected your religion for you and completed My favour unto you, and have chosen for you as religion Al-Islam..."

(Al-Qur'an5:3)

Islam is the perfect complete code of life for the entire human race for all time to come. This way of life (din) allows and ordains all that is good, useful, and beneficial (ma'ruf), consequently sparing humankind from all that is evil, bad, and harmful (munkar).

By defining the rights and responsibilities of every individual in accordance with the God-given nature (fitrah) and potential, Islam brings peace to individuals and harmony to society.

The family is the basic unit of any society. Therefore, the proper functioning of this unit plays an important role in nation building. In Islam, marriage provides the

spiritual and legal foundation for a family and the family forms a basic unit for the building of the nation (ummah).

Marriage and Family in Islam has been written to introduce Islamic values and the norms of a Muslim marriage and a Muslim family. The manuscript provides source material based on the Qur'an and the Sunnah. The objective is to prepare young Muslims emotionally, psychologically, and spiritually for Islamic marriages and to direct them in establishing Muslim families on divine guidance. Marital harmony has a very high positive correlation to life satisfaction. The achievement of peace, happiness, and prosperity through Muslim marriages and families is the true manifestation of the Islamic way of life (din).

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Chapter I

Introduction

The family is the basic unit of Islamic society, and marriage forms its spiritual, social economic and legal foundations. Family and marriage in Islam are to be understood in the contexts of the purpose and organization of life Islam seeks to establish.

Islam reveals that worship (ibadah) of Allah is the purpose of human creation.

وَ مَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُوْنِ ﴿٥٦﴾

"I created the jinn and humankind only that they might worship Me." *(Al-Qur'an 51:56)*

Worshipping Allah entails obeying Him, glorifying Him, thanking Him, and submitting to His Will completely and unconditionally. Worshipping Allah also means doing things according to His command. Anything and everything that is done according to the commandments of Allah with the purpose of pleasing Him alone becomes a form of worship of Allah.

All mankind has been placed on earth as care-takers and managers (khalaifah) of the earth.

وَ هُوَ الَّذِیْ جَعَلَكُمْ خَلٰٓئِفَ الْاَرْضِ وَرَفَعَ بَعْضَكُمْ فَوْقَ بَعْضٍ دَرَجٰتٍ
لِّيَبْلُوَكُمْ فِیْ مَآ اٰتٰىكُمْ ؕ اِنَّ رَبَّكَ سَرِيْعُ الْعِقَابِ ۖ وَ اِنَّهٗ لَغَفُوْرٌ رَّحِيْمٌ ﴿١٦٥﴾

"He it is Who has placed you as khalaifah of the earth and has exalted some of you in rank above others, that He may try you (the test of) that which He has given you. Lo! Your Lord is swift in prosecution, and Lo! He is forgiving, Merciful." *(Al-Qur'an 6:165)*

Human beings have been given the responsibility of taking care of the affairs of the world, starting with themselves and their families, and extending to their neighbourhoods, communities and the entire globe. Allah has given different potentials, capabilities and roles to different people and made them accountable for their actions accordingly.

Human beings by nature have been created upright and good (hanif).

فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا ۚ فِطْرَتَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا ۚ لَا تَبْدِيلَ لِخَلْقِ اللَّهِ ۚ ذَٰلِكَ الدِّينُ الْقَيِّمُ وَلَٰكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ ﴿٣٠﴾

"So set your purpose (O Muhammad) for religion as a man by nature upright -- the nature (framed) of Allah, in which He has created man. There is no altering (the laws of) Allah's creation. That is the right religion, but most men know not --." *(Al-Qur'an 30:30)*

Islam preserves and maintains the upright good nature of man. It is essential to attain tranquility from within and peace from without. Islam takes a two-way approach to reaching this goal:

1. The purification of the individual

قَدْ أَفْلَحَ مَن زَكَّاهَا ﴿٩﴾

"Indeed he succeeds who purifies his own self (i.e., obeys and performs all that Allah ordered, by following the true faith of Islam and by doing righteous good deeds)." *(Al-Qur'an 91:9)*

2. The building of a well integrated community that practices and enjoins all that is good (ma'ruf), and avoids and forbids all that is bad (munkar)

وَلْتَكُنْ مِّنْكُمْ أُمَّةٌ يَّدْعُوْنَ إِلَى الْخَيْرِ وَيَأْمُرُوْنَ بِالْمَعْرُوْفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ ۚ وَأُولٰٓئِكَ هُمُ الْمُفْلِحُوْنَ ﴿١٠٤﴾

"Let there be an ummah (community) among you advocating what is good, demanding what is right and eradicating what is wrong. There are indeed the successful." *(Al-Qur'an 3:104)*

Chapter II

The Institution of Marriage

Marriage is an important essential institution of Islam. It is a meaningful practice with a definite purpose. It has its own rules and regulations, structure and standard, and specific functions.

(A) The Purpose of Marriage

As a meaningful institution, marriage has two main purposes:

1. To ensure preservation of the human species and continuation of the human race,

يَاَيُّهَا النَّاسُ اتَّقُوْا رَبَّكُمُ الَّذِىْ خَلَقَكُمْ مِّنْ نَّفْسٍ وَّاحِدَةٍ وَّ خَلَقَ مِنْهَا زَوْجَهَا وَ بَثَّ مِنْهُمَا رِجَالًا كَثِيْرًا وَّنِسَآءً ۚ

"O mankind! Be careful of your duty to your Lord, Who created you from a single soul and from it created its mate and from them has spread abroad a multitude of men and women..." *(Al-Qur'an 4:1)*

2. To provide spiritual and legal foundation of the family.

وَ مِنْ اٰيٰتِهٖۤ اَنْ خَلَقَ لَكُمْ مِّنْ اَنْفُسِكُمْ اَزْوَاجًا لِّتَسْكُنُوْۤا اِلَيْهَا وَ جَعَلَ بَيْنَكُمْ مَّوَدَّةً وَّ رَحْمَةً ؕ اِنَّ فِىْ ذٰلِكَ لَاٰيٰتٍ لِّقَوْمٍ يَّتَفَكَّرُوْنَ ۝

"And of His signs is this: He created for you mates from yourselves that you might find rest (Sakinah) in

them, and He ordained between you love and mercy. Lo, herein indeed are portents for folk who reflect."

(Al-Qur'an 30:21)

Through marriage, the conjugal relationship between a man and a woman becomes lawful. It provides a legitimate outlet for recreation as well as procreation. Islam regards sex as natural and good, but restricts it to the partners of marriage so as to ensure the responsibility for its consequences.

نِسَآؤُكُمْ حَرْثٌ لَّكُمْ ۠ فَأْتُوا حَرْثَكُمْ أَنَّىٰ شِئْتُمْ ۖ وَقَدِّمُوا لِأَنفُسِكُمْ ۚ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُم مُّلَاقُوهُ ۗ وَبَشِّرِ الْمُؤْمِنِينَ ﴿٢٢٣﴾

"Your women are a tilth for you (to cultivate) so go to your tilth as you will, and send (good deeds) before you for your souls, and fear Allah, and know that you will (one day) meet Him. Give glad tidings to believers, (O Muhammad)." *(Al-Qur'an 2:223)*

Marriage provides spiritual, physical, emotional and psychological companionship. This companionship generates and sustains love, kindness, compassion, mutual confidence, solace and succor (sakinah). It lays a spiritual and legal foundation for raising a family. The children born of the matrimonial union become legitimate and mutual rights of inheritance[1] are established.

(B) Marriage -- A Religious Requirement

Marriage in Islam is recommended as a religious

(1) Al-Qur'an 4:11-12.

requirement.

وَ اَنْكِحُوا الْاَيَامٰى مِنْكُمْ وَ الصّٰلِحِيْنَ مِنْ عِبَادِكُمْ وَ اِمَآئِكُمْ

"Marry those among you who are single and (marry) your slaves, male and female, that are righteous..."

(Al-Qur'an 24:32)

Prophet Muhammad (S) declared:

"When the servant of Allah marries, he has fulfilled half the (responsibilities laid on him by the) faith; so let him be God-conscious with respect to the other half." *(Mishkat)*

Marriage has also been commended as the way of the Prophets.

وَ لَقَدْ اَرْسَلْنَا رُسُلًا مِّنْ قَبْلِكَ وَ جَعَلْنَا لَهُمْ اَزْوَاجًا وَّ ذُرِّيَّةً

"We indeed sent messengers before you (O Muhammad), and We assigned them wives and children..." *(Al-Qur'an 13:38)*

Marriage, in fact, is specifically considered the tradition (sunnah) of Prophet Muhammad (S) when he declared:

"...Marriage is my Sunnah, whoever disregards my (Sunnah) path is not from among us." *(Ibn Majah)*

Islam discourages celibacy and encourages marriage, as Prophet Muhammad (S) recommended:

"Whoever is able to marry, should marry."

(Sahih Al-Bukhari)

(C) Definition of Marriage

Nikah is an Arabic term used for marriage. It means "contract" ('Aqd in Arabic). The Qur'an specifically refers to marriage as "Mithaqun Ghalithun," which means "a strong covenant."

وَ كَيْفَ تَاْخُذُوْنَهٗ وَقَدْ اَفْضٰى بَعْضُكُمْ اِلٰى بَعْضٍ وَّ اَخَذْنَ مِنْكُمْ مِّيْثَاقًا غَلِيْظًا ﴿۲۱﴾

"...and they have taken a strong pledge (Mithaqun Ghalithun) from you?" *(Al-Qur'an 4:21)*

The seriousness of this covenant becomes obvious when one finds the same term i.e., Mithaqun Ghalithun, being used for the covenant made between Allah and the Prophets before granting them the responsibility of the prophethood. (Al-Qur'an 33:7)

The Qur'an also used the Arabic word "Hisn,"[1] suggesting "fortress" for marriage. Marriage is considered the fortress of chastity. Marriage is made easy in Islam to encourage a chaste life. Lewdness and perverse behavior[2] are forbidden, being made difficult through preventive measures[3] and harsh punitive laws.[4]

(D) Spousal Relationship

The Qur'an describes the relationship of a man and a woman in a marriage as garments to each other.

(1) Al-Qur'an 4:25
(2) Al-Qur'an 4:15,16
(3) Al-Qur'an 24:30-31
(4) Al-Qur'an 24:2; 4:16

هُنَّ لِبَاسٌ لَّكُمْ وَأَنتُمْ لِبَاسٌ لَّهُنَّ

"...They (your spouses) are your garments and you are their garments..." *(Al-Qur'an 2:187)*

Garments provide closeness and intimacy, covering and privacy, protection and comfort, dignity, grace and beauty to their wearers.

The closest thing to a person is his/her clothes. The spouses are as close to each other as their garments.

Clothing provides covering and privacy to the wearer. Each spouse provides covering for the weaknesses, imperfections, mistakes and short-comings of the other.

Clothes provide protection from an adverse environment such as heat, cold or rain. The spouses protect each other from sins and immorality. They shield each other from hostile effects, providing mutual comfort, affection and consolation in adverse circumstances.

A dress enhances the beauty, grace and dignity of its wearer. Similarly, spouses add to the beauty, grace and dignity of each other.

(E) Unlawful Conjugal Relations

Islam does not tolerate any conjugal relationship outside the marriage. Pre-marital sex (fornication) and extra-marital sex (adultery) are both illegal and

punishable acts.

اَلزَّانِيَةُ وَ الزَّانِيْ فَاجْلِدُوْا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ

"The woman and the man guilty of illegal sexual intercourse, flog each of them with a hundred stripes..." *(Al-Qur'an 24:2)*

Temporary marriages (mut'ah), such as casual or experimental marriages for a certain term are also prohibited.

Prophet Muhammad (S) said:

"O people! I allowed you to have Mut'ah, indeed Allah has forbidden it till the Day of Judgement." (Ibn Majah)

Incestuous sexual relationship among prohibited relatives (maharramat) such as brothers, fathers, mothers, sisters, daughters, sons, etc., are unlawful.

حُرِّمَتْ عَلَيْكُمْ اُمَّهٰتُكُمْ وَ بَنٰتُكُمْ وَ اَخَوٰتُكُمْ وَعَمّٰتُكُمْ وَ خٰلٰتُكُمْ وَبَنٰتُ الْاَخِ وَبَنٰتُ الْاُخْتِ وَاُمَّهٰتُكُمُ الّٰتِيْٓ اَرْضَعْنَكُمْ وَاَخَوٰتُكُمْ مِّنَ الرَّضَاعَةِ وَاُمَّهٰتُ نِسَآئِكُمْ وَ رَبَآئِبُكُمُ الّٰتِيْ فِيْ حُجُوْرِكُمْ مِّنْ نِّسَآئِكُمُ الّٰتِيْ دَخَلْتُمْ بِهِنَّ ۫ فَاِنْ لَّمْ تَكُوْنُوْا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ ۫ وَحَلَآئِلُ اَبْنَآئِكُمُ الَّذِيْنَ مِنْ اَصْلَابِكُمْ ۙ وَ اَنْ تَجْمَعُوْا بَيْنَ الْاُخْتَيْنِ اِلَّا مَا قَدْ سَلَفَ ؕ اِنَّ اللّٰهَ كَانَ غَفُوْرًا رَّحِيْمًا ۝

"Prohibited to you (for marriage) are: your mothers, daughters, sisters, father's sisters, mother's sisters, brother's daughters, sister's daughters; fosters (who gave you suck), foster sister; your wives' mothers; your step daughters under your guardianship, born of your wives' to whom you have gone in, no prohibition if you

have not gone in; (those who have been) wives of your sons proceeding from your loins; and two sisters in wedlock at one and the same time, except for what is past; for Allah is Oft-Forgiving, Most Merciful."
(Al-Qur'an 4:23)

(F) Unnatural Sexual Relations

Perverse sexual behavior is unnatural and is prohibited by Islam.

* Illicit sexual relationships of men among themselves (homosexuality) as well as illicit sexual relationships of women among themselves (lesbianism) are considered unnatural and are forbidden.

وَالَّذٰنِ يَاْتِيٰنِهَا مِنْكُمْ فَاٰذُوْهُمَا ۚ فَاِنْ تَابَا وَ اَصْلَحَا فَاَعْرِضُوْا عَنْهُمَا ۗ اِنَّ اللّٰهَ كَانَ تَوَّابًا رَّحِيْمًا ۝

"If two persons among you are guilty of lewdness, punish them both. If they repent and amend, leave them alone, for Allah is Oft-Returniing, Most Merciful."
(Al-Qur'an 4:16)

* Sexual intercourse through the rectum (anal sex) is prohibited.

Prophet Muhammad (S) said:

"Cursed is he who goes unto his wife by her back."
(Ahmad & Abu Dawood)

* Islam does not condone the practice of masturbation. Islamic jurists[1] consider it as a minor fornication.

(1) Sabiq, Syed. Fiqhus Sunnah, American Trust Publication, Indianapolis, 1989.

* Sexual intercourse with animals (zoophilia) is prohibited.

Prophet Muhammad (S) said:

"Whoso comes to an animal (with lust), kill him and kill the animal with him." (Ibn Majah & Abu Dawood)

(G) Polygamy -- A Conditional Provision

Being a complete way of life, designed to suit all human conditions for all ages, Islam has permitted[1] polygamy. The Qur'an grants permission for a man to marry more than one woman at a time (up to four) within a well defined framework of moral and legal responsibility.

وَ اِنۡ خِفۡتُمۡ اَلَّا تُقۡسِطُوۡا فِی الۡیَتٰمٰی فَانۡکِحُوۡا مَا طَابَ لَکُمۡ مِّنَ النِّسَآءِ مَثۡنٰی وَ ثُلٰثَ وَ رُبٰعَ ۚ فَاِنۡ خِفۡتُمۡ اَلَّا تَعۡدِلُوۡا فَوَاحِدَۃً اَوۡ مَا مَلَکَتۡ اَیۡمَانُکُمۡ ؕ ذٰلِکَ اَدۡنٰۤی اَلَّا تَعُوۡلُوۡا ؕ﴿۳﴾

"And if you fear that you will not deal fairly by the orphans; marry of the women, who seem good to you, two or three or four; and if you fear that you cannot do justice (to so many), then one only or (the captives) that your right hands possess. Thus it is more likely that you will not do injustice." (Al-Qur'an 4:3)

Fair and equal treatment of the wives is a necessary

(1) Polygamy has been practiced by mankind for times immemorial. Many of the ancient Israelites were polygamous, some having hundreds of wives. Polygamy was practiced and accepted by the Christian Church as recent as the 17th century. Islam has allowed polygamy (having two or more wives), limiting the number of wives to four. Nonetheless, Islam neither requires nor recommends polygamy. Polyandry (having two or more husbands), however, is absolutely forbidden in Islam.

condition and is expected from the husband to the extent humanly possible.

The Qur'an says:

وَلَنْ تَسْتَطِيعُوٓا اَنْ تَعْدِلُوا بَيْنَ النِّسَآءِ وَ لَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ

"You will not be able to do justice to more than one wife however much you may try. And if you must marry another wife, do not incline excessively to one have the other like a thing suspended."(Al-Qur'an 4:129)

The Prophet Muhammad (S) said:

"If a man has two wives but does not treat them with equality and even-handed justice, he shall be resurrected on the Day of Judgement in such a condition that half of his body is paralysed."(Tirmidhi)

The provision of polygamy, though granted in religion and accepted socially, is rarely practiced in Muslim societies. Conditions such as the barrenness of the first wife, chronic illness of the wife, imbalance of the male/female population, a large number of helpless widows and orphans in the community, etc. do warrant the legal outlet of polygaymy. Under such conditions the provision of polygaymy safeguards the rights of the first wife.

Prophet Muhammad (S) was married to one woman, Khadijah, for 25 years. It was only after her death, when he was fifty years old, that he entered into other marriages for definite social and political implications.

His example instructs Muslims in how to treat their spouses under different conditions of life.

Islam has permitted polygamy as a conditional[1] provision. It safeguards the moral probity[2] of the individual as well as the community. It is a remedial measure for protecting society against promiscuity. It restores the dignity of the women by holding men responsible.

(1) The condition is that the husband should treat all his wives justly. If he cannot, then polygyny is not for him.

(2) In the Western societies the rule of monogamy, in fact, has protected men, allowing them to "play around" without responsibility. Polygamy indeed forces men to face up to responsibility and fidelity.

Dr. Billy Graham, the world famous Christian evangelist says: "Christianity cannot compromise on the question of polygamy. If present-day Christianity cannot do so, it is to its own detriment. Islam has permitted polygamy as a solution to social ills and has allowed a certain degree of latitude to human nature but only within the strictly defined framework of the law. Christian countries make a great show of monogamy, but actually they practice polygamy. No-one is unaware of the part mistresses play in the Western society. In this respect Islam is a fundamentally honest religion, and permits a Muslim to marry a second wife if he must, but strictly forbids all clandestine amatory associations in order to safeguard the moral probity of the community."

Chapter III

Matrimonial Mate Selection

Marriage[1] is recommended for partners who share a common way of life. The matrimonial partners should be able to fulfill their purpose of creation as defined by Allah. They should be able to effectively carry out their responsibility as care-takers (khalaifah) of earth. They should share the common goal of building a well integrated Muslim community and be able to work harmoniously towards it.

Normally, the criteria for selecting matrimonial mates are many -- wealth, beauty, rank, character, congeniality, compatibility, religion, etc. The Qur'an enjoins Muslims to select partners who are good and pure (tayyib).

وَ الطَّيِّبٰتُ لِلطَّيِّبِيْنَ وَ الطَّيِّبُوْنَ لِلطَّيِّبٰتِ ۚ اُولٰٓئِكَ مُبَرَّءُوْنَ مِمَّا يَقُوْلُوْنَ ؕ لَهُمْ مَّغْفِرَةٌ وَّرِزْقٌ كَرِيْمٌ ۝٢٦

"... Women of purity are for men of purity, and men of purity are for women of purity..." *(Al-Qur'an 24:26)*

Prophet Muhammad (S) recommended Muslims to select those partners who are best in religion (din) and character.

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(1) Most people marry for the positive reasons, such as:
* Companionship * Love
* Stable relationship * Fulfillment
* Start a family * Happiness
* Convenience * Contentment

"A woman may be married for four reasons: for her property, for her rank, for her beauty, and for her religion and character and prosper."(Bukhari & Muslim)

(A) Prohibited Categories of Matrimony

Islam prohibits marriage with four categories of people, as can be seen in the following table (A):

Prohibited Categories of Matrimony

Table (A)

	Prohibited Category	Explanation
1	Idolaters and Polytheists	"Do not marry unbelieving women (idolaters) until they believe. A slave woman who believes is better than an unbelieving woman even though she allures you. Nor marry (your girls) to unbelievers until they believe. A man slave who believes is better than an unbeliever man even though he allures you." (Al-Qur'an 2:221)
2	All relations of birth (Relations emerging from consanguinity)	(a) Father, mother, grandfather, grand mother, and other direct forebears. (b)Direct descendants, i.e., sons, daughters, grandsons, granddaughters. (c)Relations of the second degree, i.e., Brothers, sisters, and their descendants. (d)Father's or mother's sisters (not their daughters or other descendants).

3	All relations of affinity(Relations emerging from marriage	(a)Father-in-law, mother-in -law, grand father-in-law, grandmother-in-law. (b) Step-sons, step-daughters, and their descendants. (c)Son-in-law, daughter- in-law. (d)Step-fathers, step- mothers.
4	Relations emerging from foster nursing	Same as those based on blood relations. Prophet Muhammad (S) said: "What is unlawful by reason of blood is unlawful by reason of fosterage."(Sahih Al-Bukhari)

Relatives with whom marriage is prohibited are called maharramat (plural of mahram) in Arabic.

حُرِّمَتْ عَلَيْكُمْ أُمَّهٰتُكُمْ وَبَنٰتُكُمْ وَأَخَوٰتُكُمْ وَعَمّٰتُكُمْ وَخٰلٰتُكُمْ وَبَنٰتُ الْأَخِ وَبَنٰتُ
الْأُخْتِ وَأُمَّهٰتُكُمُ الّٰتِيٓ أَرْضَعْنَكُمْ وَأَخَوٰتُكُمْ مِّنَ الرَّضَاعَةِ وَأُمَّهٰتُ نِسَآئِكُمْ وَ
رَبَآئِبُكُمُ الّٰتِيْ فِيْ حُجُوْرِكُمْ مِّنْ نِّسَآئِكُمُ الّٰتِيْ دَخَلْتُمْ بِهِنَّ ۫ فَإِنْ لَّمْ تَكُوْنُوْا
دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ ۫ وَحَلَآئِلُ أَبْنَآئِكُمُ الَّذِيْنَ مِنْ أَصْلَابِكُمْ ۙ وَ أَنْ
تَجْمَعُوْا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ ۗ إِنَّ اللّٰهَ كَانَ غَفُوْرًا رَّحِيْمًا ﴿٢٣﴾

"Prohibited to you (for marriage) are your mothers, daughters, sisters, father's sisters, brother's daughters, sister's daughters, foster mothers (who gave you suck), foster sisters, your wives' mothers, your step daughters under your guardianship, born of your wives to whom you have gone in, no prohibition if you have not gone in. Those who have been wives of your sons proceeding from your lions, and two sisters in wedlock at one and the same time, except for what is past for Allah is Oft-Forgiving, Most Merciful." (Al-Qur'an 4:23)

(B) Inter-faith Marriages

Islam provides Muslim men a provision of inter-faith marriages with virtuous women of the people of the Book, i.e., the Christians, and the Jews. It must be remembered that it is merely a provision and not a recommendation.[1]

وَالْمُحْصَنٰتُ مِنَ الَّذِيْنَ اُوْتُوا الْكِتٰبَ مِنْ قَبْلِكُمْ اِذَآ اٰتَيْتُمُوْهُنَّ اُجُوْرَهُنَّ مُحْصِنِيْنَ غَيْرَ مُسٰفِحِيْنَ وَلَا مُتَّخِذِيْٓ اَخْدَانٍ

"... and the virtuous women of those who received the Scripture before you (lawful for you) when you give them the marriage portions and live with them in honour, not in fornication, nor taking them as secret concubines..." *(Al-Qur'an 5:5)*

Muslim women are prohibited to marry unbelievers as well as men of the people of the Book unless they accept the faith of Islam.

وَلَا تُنْكِحُوا الْمُشْرِكِيْنَ حَتّٰى يُؤْمِنُوْا

"... Nor marry (your girls) to unbelievers until they believe..." *(Al-Qur'an 2:221)*

In case a non-Muslim woman accepts Islam, she is not allowed to remain in her previous marriage with the unbelieving/Jewish/or Christian husband unless he accepts the faith of Islam.

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(1) Islam prefers Muslim men to marry Muslim women (Al-Qur'an 24:32).
Prophet Muhammad (S) recommended: "... So marry the one who is best in the religion and character and prosper." (Sahih Al-Bukhari)
In case a Muslim man wishes to marry a virtuous Christian or Jewish woman, it is preferred to have her accept the faith of Islam although it is not a necessary condition.

لَا هُنَّ حِلٌّ لَّهُمْ وَ لَا هُمْ يَحِلُّوْنَ لَهُنَّ

"... They are not lawful (wives) for the unbelievers, nor are the unbelievers lawful husbands." (Al-Qur'an 60:10)

(C) Eligibility[1]

Young adults who are ready to assume the responsibility of matrimonial life are encouraged to get married.

Prophet Muhammad (S) recommended:

"O young men! If you have the Istita[2] to get married, you should get married because it helps to keep your eyes from wandering and helps to guard your private parts..." (Bukhari & Muslim)

Prophet Muhammad (S) assured the bounty of Allah to those who wish to get married and live a pure and clean life.

The Prophet (S) assured:

"Three groups of people Allah obliged Himself to help them: Mujahid in the cause of Allah, a worker to pay his debt, and the one who wants to marry to live a chaste life." (Tirmidhi)

Those adults who either could not find a suitable matrimonial match or do not have the means to maintain a matrimonial life are recommended to postpone marriage.

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(1) Emotional and psychological preparation for marriage is very important. The Following life-skills are required for successful marriage:
* Awareness of the responsibility * Respect & Trust
* Effective communication skills * Negotiation & Compromise
* Conflict management skills * Common goal settings

(2) Istita' is explained as one's physical and financial ability to provide for the family.

Allah says in the Qur'an:

وَلْيَسْتَعْفِفِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّىٰ يُغْنِيَهُمُ اللَّهُ مِن فَضْلِهِ

"And let those who cannot find a match keep chaste till Allah give them independence by His grace..."

(Al-Qur'an 24:33)

Prophet Muhammad (S) advocated fasting (Sawm) for guarding chastity. He (S) said:

"O young men! If you have the Istita' to get married, you should get married because it helps to keep your eyes from wandering and helps to guard your private parts; and whoever cannot, he should fast as it is a protection for him." *(Bukhari & Muslim)*

(D) The Process of Selection

Any Muslim man can marry any Muslim woman (except the forbidden categories). However, the Shari'ah recommends to take into consideration the equality, compatibility and suitability (kafa'at)[1] between a man and a woman before contracting the marriage.

Islam has given freedom of choice to those who whish to get married. The mutual choice of the would-be-spouses is given the highest consideration.

فَانكِحُوا مَا طَابَ لَكُم مِّنَ النِّسَاءِ

"...Marry of the women, who seem good to you..."

(Al-Qur'an 4:3)

(1) Men and women who are close or equal to each other in respect to their morals, education, religious inclinations, and ways of living are more likely to develop affection, kindness and love. This is more conducive to a happy and successful marriage.

"...Do not prevent them from marrying their husbands when they agree between themselves in a lawful manner."

(Al-Qur'an 2:232). Also see Al-Qur'an 2:230.

The process of mate selection should be a function of a healthy balance between the freedom of choice of the would-be-spouses and consideration of the influence and consent of the parents/guardians.

A freedom of choice of those who wish to get married should not preclude the influence and consent of the parents/guardians[1] nor should the parents/guardians ignore the wishes and consent[2] of the would-be-spouses.

Falling in love is not a pre-condition for marriage in Islam. However, for the purpose of selecting an appropriate mate, the would-be- spouses are allowed to see and/or talk to each other.

Prophet Muhammad (S) recommended:

"When one of you seeks a woman in marriage, and then if he is able to have a look at whom he wishes to marry, let him do so." *(Abu Dawood)*

The would-be-spouses are allowed to see each other for matrimonial purposes under the direct supervision of their mahram relatives. This provision is expected to be

(1) Prophet Muhammad (S) said:
"If any woman marries without the consent of her guardian, her marriage is void, her marriage is void, her marriage is void." (Abu Dawood & Ibn Majah)

(2) Prophet Muhammad (S) said:
"A woman without a husband (a widow or a divorcee) must not be married till she is consulted, and a virgin must not be married till her permission (consent) is given. (Sahih Al-Bukhari)

conceived and executed with piety and modesty.

Prophet Muhammad(S) instructed:

"No man has the right to be in the privacy with a woman who is not lawful for him. Satan is their third party unless there is a mahram." *(Ahmad)*

The would-be-spouses residing in non-Muslim societies are recommended to enter into a pre-nuptial commitment to safeguard Islamic values and Muslim personal Law.

Chapter IV

An-Nikah
The Marriage

Marriage (nikah) is a solemn and sacred social contract between bride and groom. This contract is a strong covenant (Mithaqun Ghalithun) as expressed in Al-Qur'an 4:21. The marriage contract in Islam is not a sacrament. It is revocable.

Both parties mutually agree and enter into this contract. Both bride and bride-groom have the liberty to define various terms and conditions of their liking and make them a part of this contract.

The marriage-gift (mahr) is a divine injunction. The giving of mahr to the bride by the groom is an essential part of the contract.

وَاٰتُوا النِّسَآءَ صَدُقٰتِهِنَّ نِحْلَةً

"And give the women (on marriage) their mahr as a (Nihlah)[1] free gift..." *(Al-Qur'an 4:4)*

Mahr is a token commitment of the husband's responsibility and may be paid in cash, property or movable objects to the bride herself. The amount of mahr is not legally specified, however, moderation according to the existing social norm is recommended. The mahr

(1) Nihlah (in Arabic) implies giving with pleasure without hesitation or reluctance.

may be paid immediately (muajjal) to the bride at the time of marriage, or deferred (mu'akhkhar) to a later date, or a combination of both. The deferred mahr (mahr-e-mu'akhkhar), however, falls due in case of death or divorce.

One matrimonial party expresses "ijab" -- willing consent to enter into marriage and the other party expresses "qubul" -- acceptance of the responsibility in the assembly of marriage ceremony. The contract is written and signed by the bride and the groom and their two respective witnesses. This written marriage contract ('Aqd- Nikah) is then announced publicly.

The assembly of nikah is addressed with a marriage sermon (khutba-tun-nikah) by the Muslim officiating the marriage. In Muslim societies, customarily, a state appointed Muslim judge (Qadi) officiates the nikah ceremony and keeps the record of the marriage contract. However, any trustworthy practicing Muslim can conduct the nikah ceremony, as Islam does not advocate priesthood. The documents of marriage contract/ certificate are filed with the Mosque (Masjid) and local government for record.

Prophet Muhammad (S) made it his tradition (sunnah) to have marriage sermon delivered in the assembly to solemnize the marriage. The sermon invites the bride and the groom, as well as the participating

guests in the assembly to a life of piety, mutual love, kindness, and social responsibility.

(A) The Marriage Sermon (Khutba-tun-Nikah)

اَلْحَمْدُ لِلّٰهِ نَحْمَدُهٗ وَ نَسْتَعِيْنُهٗ وَنَسْتَغْفِرُهٗ وَ نُؤْمِنُ بِهٖ وَنَتَوَكَّلُ عَلَيْهِ وَنَعُوْذُ بِاللّٰهِ مِنْ شُرُوْرِ اَنْفُسِنَا وَ مِنْ سَيِّئَاتِ اَعْمَالِنَا مَنْ يَّهْدِهِ اللّٰهُ فَلَا مُضِلَّ لَهٗ وَمَنْ يُّضْلِلْهُ فَلَا هَادِيَ لَهٗ وَ نَشْهَدُ اَنْ لَّآ اِلٰهَ اِلَّا اللّٰهُ وَحْدَهٗ لَاشَرِيْكَ لَـهٗ وَنَشْهَدُ اَنَّ مُحَمَّدًا عَبْدُهٗ وَ رَسُوْلُـهٗ۔

فَاَعُوْذُ بِاللّٰهِ مِنَ الشَّيْطٰنِ الرَّجِيْمِ○ بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ○ يٰٓاَيُّهَا النَّاسُ اتَّقُوْا رَبَّكُمُ الَّذِيْ خَلَقَكُمْ مِنْ نَّفْسٍ وَّاحِدَةٍ وَّخَلَقَ مِنْهَا زَوْجَهَا وَ بَثَّ مِنْهُمَا رِجَالًا كَثِيْرًا وَّنِسَآءً ط وَاتَّقُوا اللّٰهَ الَّذِيْ تَسَآئَلُوْنَ بِهٖ وَالْاَرْحَامَ. اِنَّ اللّٰهَ كَانَ عَلَيْكُمْ رَقِيْبًا○ يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوا اتَّقُوا اللّٰهَ حَقَّ تُقَاتِهٖ وَلَا تَمُوْتُنَّ اِلَّا وَ اَنْتُمْ مُسْلِمُوْنَ○ يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا اتَّقُوا اللّٰهَ وَ قُوْلُوْا قَوْلًا سَدِيْدًا ○ يُّصْلِحْ لَكُمْ اَعْمَالَكُمْ وَ يَغْفِرْلَكُمْ ذُنُوْبَكُمْ وَمَنْ يُّطِعِ اللّٰهَ وَ رَسُوْلَهٗ فَقَدْ فَازَ فَوْزًا عَظِيْمًا○ وَقَالَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ وَاللّٰهِ اِنِّيْ لَاَخْشَاكُمْ لِلّٰهِ وَاَتْقَاكُمْ لَهٗ وَلٰكِنِّيْ اَصُوْمُ وَاُفْطِرُ وَاُصَلِّيْ وَاَرْقُدُ وَ اَتَزَوَّجُ النِّسَآءَ فَمَنْ رَغِبَ عَنْ سُنَّتِيْ فَلَيْسَ مِنِّيْ (بخاری)

The following is the English rendering of Khutba-tun-Nikah:

"All praise be to Allah. Him we worship and Him we ask for help. We seek His protection, from the mischief of the inner self and the evil deeds. Whom Allah guides, none can lead him astray, and whom He leads astray, none can guide him. And I bear witness that

there is none worthy of worship except Allah, And I bear witness that Muhammad (S) is His servant and apostle[1]*."*

"O Mankind! Be careful of Allah Who created you from a single soul and from it created its mate and from these two has spread abroad a multitude of men and women. Be careful of your duty toward Allah in Whom you claim (your rights) of one another and maintain your blood relations. Lo! Allah is ever watchful over you." *(Al-Qur'an 4:1)*

"O you who believe! Be fearful of Allah, as is His due and die not save as those who have surrendered (unto Him)." *(Al-Qur'an 3:102)*

"O you who believe! Be fearful of Allah, and speak words straight to the point. He will adjust your actions for you and will forgive your sins. Whoever obeys Allah and His messenger, he verily has gained a great victory." *(Al-Qur'an 33:70-71)*

"By Allah! Among all of you I am the most God-fearing, and among you all, I am the supermost to save myself from the wrath of Allah, yet my state is that I observe prayer and sleep too. I observe fast and suspend observing them; I marry woman also. And he who turns away from my Sunnah has no relation with me." *(Sahih Al-Bukhari)*

The Khutba-tun-Nikah begins with the praise of Allah. His help and guidance is sought. The Muslim confession of faith that "There is none worthy of worship except Allah and Muhammad is His servant and messenger" is declared. Three Qur'anic verses (ayat) and

(1) This part of the khutbah is invariably read at the beginning of every sermon.

one Prophetic saying (hadith) form the main text of the marriage sermon.

The Muslim officiating the marriage ceremony concludes the ceremony with prayer (du'a) for bride, groom, their respective families, the local Muslim community, and the Muslim community at large (ummah).

(B) Social Implications of Khutba-tun-Nikah

The instructions given in the sermon and their corresponding social implications are briefly summarized in the following table (A):

Table (A)

	Instructions	Social Implications
1	Taqwa (God-consciousness) (Q3:102; 4:1; 33:70)	Muslims (men and women both) are repeatedly instructed to adopt taqwa. Taqwa is an Islamic Arabic term meaning God-consciousnes. It is the combination of love and fear of Allah. Love of Allah inspires a person to do all good deeds. Fear of Allah deters a person from evil deeds. Observance of taqwa in every action and at all times leads to a pious and virtuous life.

2	Unity of mankind (Q 4:1)	All human beings (men and women) are born equal regardless of their lineage. This precept is the most irrefutable remedy for all oppression and tyranny based on gender, power, race, colour, nationality, etc. Islam recognizes preference only on the basis of taqwa. (Al-Qur'an 49:13)
3	Regard to blood -ties (Q 4:1)	Muslims are instructed to give due regards to blood relations. Honest and sincere efforts are to be made to maintain friendly relations with blood relatives as well as matrimonial relatives. The legitimate rights of the relatives are to be fulfilled to the best of one's ability. Evidently strong families make a sound Islamic society.
4	Omni-presence of Allah (Q4:1)	Muslims are reminded that Allah is watchful over everyone. This percept inspires people to remain steadfast on the commandment of Allah and deter them from reprehensible acts.

5	Consistency in the total obedience to Allah (Q3:102)	Muslims are instructed to remain the most faithful and obedient servants of Allah throughout their lives. Obedience to Allah leads to a virtuous personal and social life.
6	Speaking words straight to the point (Q 33:70)	Muslims are instructed to speak the truth straight to the point. They should say what they mean and they should mean what they say. The covenants made should be fulfilled to the best of one's ability.
7	Assurance of great victory (Q33:71)	Great victory is assured to those who obey Allah and His messenger. Leading an Islamic life in obedience to Allah and His messenger is a great triumph.
8	Following the Sunnah of Prophet Muhammad (S) *(Bukhari)*	Prophet Muhammad (S) is the most God-consious person. He led an exemplary life bringing a balance to the rights of Allah (Huquq Allah) and the rights of His creatures (Huquq-ul-ibad). His example is to be followed in order to be successful.

(C) The Marriage Ceremony

Marriage (nikah) is considered as an act of worship

(ibadah). It is virtuous to conduct it in a Mosque keeping the ceremony simple. The marriage ceremony is a social as well as a religious activity. Islam advocates simplicity in ceremonies and celebrations.

Prophet Muhammad (S) considered simple weddings the best weddings:

"The best wedding is that upon which the least trouble and expense is bestowed." *(Mishkat)*

(D) Marriage-Banquet (Walima)

After the consummation of the marriage, the groom holds a banquet called a walima. The relatives, neighbours, and friends are invited in order to make them aware of the marriage. Both rich and poor of the family and community are invited to the marriage feasts.

Prophet Muhammad (S) said:

"The worst of the feasts are those marriage-feasts to which the rich are invited and the poor are left out." *(Mishkat)*

It is recommended that Muslims attend marriage ceremonies and marriage feasts upon invitation.

Prophet Muhammad (S) said:

"... and he who refuses[1] to accept an invitation to a marriage-feast, verily disobeys Allah and His prophet." *(Ahmad & Abu Dawood)*

(1) If one knows that the orders of Allah are going to be disobeyed in those marriage-feasts, one should avoid attending feasts and/or ceremonies.

(E) Requirements of Muslim Marriage

Following is a summary of the requirements pertaining to the actual execution of the Muslim marriage.

Primary Requirements	Secondary Requirements
(1) Mutual agreement (Ijab-O-Qubul) by the bride and the groom.	(1) Legal guardian (Wakeel) representing the bride.
(2)Two adult and sane witnesses.	(2) Written marriage contract ('Aqd-Nikah) signed by the bride and the groom and witnessed by two adult and sane witnesses.
(3) Mahr (marriage-gift) to be paid by the groom to the bride either immediately (muajjal) or deferred (mu'akhkhar), or a combination of both.	(3) Qadi (State appointed Muslim judge) or Ma'zoon (a responsible person officiating the marriage ceremony)
	(4) Khutba-tun-Nikah to solemnize the marriage.

(F) Etiquette of Matrimonial Conjugal Relation

* Intercourse between the married couple is a sacred act for procreation. It must be conducted in privacy. Every care must be taken to avoid exposure to any living creature.

* It is preferred to perform ablution (wudu) before the intercourse.
* At the beginning of the actual coitus a prayer (du'a) is recommended:

بِسْمِ اللّٰهِ، اللّٰهُمَّ جَنِّبْنِي الشَّيْطَانَ وَجَنِّبِ الشَّيْطَانَ مَارَزَقْتَنَا،

"In the name of Allah. O Allah ward-off the devil from us and from the offspring you bestow upon us." *(Bukhari & Muslim)*

* Sexual intercourse is desirable when the husband and wife both show inclination for it. No forcible coitus should take place. Decency should be maintained throughout conjugal act. Eccentric, violent, harmful, and dirty sexual behaviour should be avoided.

Prophet Muhammad (S) said:

"Let not one of you fall upon his woman in the manner a male animal suddenly jumps over its female victim. Let there be a messenger to go between them." He (S) was asked: 'What is the messenger, O Rasulullah?' He (S) replied: 'Kissing and endearing speech." *(Hadith)*

* It is preferred to clean up the private parts and perform ablution (wudu) in between subsequent intercourse.
* A complete bath (ghusl)[1] must be taken after sexual intercourse.

(1) A ghusl must be taken anytime after the intercourse but before one prays the next Salat (worship prayer).

وَإِنْ كُنتُمْ جُنُباً فَاطَّهَّرُوا ط

"...If you are in a state of ceremonial impurity, bathe your whole body..." *(Al-Qur'an 5:6)*

* If family planning[1] is opted, it is permitted with mutual consultation of the spouses.

'Umar ibn al-Khattab narrated that: The messenger of Allah forbade coitus interruptus with a free woman without her permission.

(Ibn Majah)

(G) Unacceptable Sexual Activity Among Married Couples

Normal sexual activity among the married couple is prohibited in the following instances by the explicit injunctions of the Qur'an.

(1) During menstruation period (as well as during post-natal discharge)

وَ يَسْئَلُوْنَكَ عَنِ الْمَحِيْضِ ط قُلْ هُوَ اَذًى لا فَاعْتَزِلُوا النِّسَآءَ فِي الْمَحِيْضِ لا وَلَا تَقْرَبُوْهُنَّ حَتّٰى يَطْهُرْنَ ج

"They ask you concerning women's courses, say: They are a hurt and a pollution, so keep away from women in their courses, and do not approach them until they are clean..." *(Al-Qur'an 2:222)*

(1) The companions of the Prophet (S) used to practice coitus interruptus ('uzl) as a method of family planning. The Prophet (S) did not prohibit it. He said: "It is not from every water that a child is born; and when Allah wishes to create a thing, nothing can prevent Him." (Muslim)

In modern days various methods of contraception have been devised. The spouses should consult each other to adopt a method of contraception. As long as these methods do not harm the woman (and/or the man), and do not constitute a form of abortion, they are permitted.

(2) During fasting (Sawm) period of day light hours

ثُمَّ اَتِمُّوا الصِّيَامَ اِلَى الَّيْلِ ۚ وَ لَا تُبَاشِرُوْهُنَّ وَ اَنْتُمْ عٰكِفُوْنَ ۙ فِي الْمَسٰجِدِ ؕ تِلْكَ حُدُوْدُ اللّٰهِ فَلَا تَقْرَبُوْهَا ؕ

"...Then strictly observe the fast till night fall and touch them not, but be at your devotion in the mosques. These are the limits imposed by Allah, so approach them not..." *(Al-Qur'an 2:187)*

(3) During pilgrimage (Hajj)

اَشْهُرٌ مَّعْلُوْمٰتٌ ۚ فَمَنْ فَرَضَ فِيْهِنَّ الْحَجَّ فَلَا رَفَثَ وَ لَا فُسُوْقَ ۙ وَ لَا جِدَالَ فِي الْحَجِّ ؕ

"For Hajj are the months well known. If anyone undertakes that duty therein, let there be no obscenity, nor wickedness, nor wrangling in the Hajj..."

(Al-Qur'an 2:197)

Chapter V

Defining The Roles

The equality[1] of men and women as human beings has been divinely affirmed. Equitability[2] between them is legally guarded.

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ ۖ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ ۗ وَاللَّهُ عَزِيزٌ حَكِيمٌ ﴿٢٢٨﴾

"...And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them. And Allah is exalted in power, Wise." *(Al-Qur'an 2:228)*

An institution is run efficiently when the roles and activities of its units are well defined. Allah designed males and females with their inherent differences for a definite and enduring purpose. There are physical, physiological, emotional, and psychological differences between men and women. These functional differences are essential for the existence and continuation of human race.

Islam defines the roles and allocates the spheres of activities for men and women according to their nature (fitrah). The basic facts of human life and the needs of

(1) Al-Qur'an 4:1. (Equality is defined as two entities being the same)
(2) Equitability implies justice, fairness and even-handedness.

human society are taken into consideration in defining these roles and activities.

وَ خَلَقَ كُلَّ شَيْءٍ فَقَدَّرَهٗ تَقْدِيْرًا ۝

"...He has created everything and has meted out for it a role." *(Al-Qur'an 25:2)*

Normally, men are assigned to deal with external system and their main sphere of activities is allocated outside the family. Women are assigned to deal with the internal system and the main sphere of their activities is allocated within the family.

وَ قَرْنَ فِيْ بُيُوْتِكُنَّ وَ لَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُوْلٰى

"And stay in your houses, and do not display yourselves like that of the times of ignorance..."

(Al-Qur'an 33:33)

When necessary women may go out with the permission of their guardians or husbands, and with the observation of appropriate modesty.

The Prophet Muhammad (S) said:

"Allah has permitted you (women) to go out for your needs." *(Bukhari)*

The womenfolk are at liberty to do their work and engage in other normal activities outside the house provided they follow the recommendations of decency and modesty related by the Islamic law (Shari'ah). In case a woman has to travel, she should do so by being escorted by a mahram.

It is expected that the proper dress code (hijab)[1] be observed by women when they go outside their houses. Hijab comes from the Arabic word 'hajaba', meaning to hide from view or conceal. Hijab implies the modest dress of a Muslim woman.

Hijab is not merely a type of clothing or style; it also includes behaviour, manners, and speech in public as well. When women are in public, they are ordained not to attract men's undue attention[2] through improper outfits, strong perfumes. unnecessary conversation, and the like.

Leadership is needed by every organization in order to be stable and cohesive. The leader makes decisions after consultation (shura), and takes the ultimate responsibility of that organization. In a family organization, Islam assigns the leadership role to men by virtue of their physical and economic contribution, and their responsibility.

اَلرِّجَالُ قَوّٰمُوْنَ عَلَى النِّسَآءِ بِمَا فَضَّلَ اللّٰهُ بَعْضَهُمْ عَلٰى بَعْضٍ وَّ بِمَآ اَنْفَقُوْا مِنْ اَمْوَالِهِمْ

(1) Al-Qur'an 33:59;
The maximum requirement of the hijab is the veiling of the whole female body from head to foot including the face, bosom and all adornments. One or both eyes may be left uncovered, as well as hands, rings, bangles, etc. (According to Ibn Mas'ud and 'A'isha). The minimum requirement is the covering of the head, the bosom and the adornment of these parts excluding the face, the hands and the feet along with their normal embellishments such as henna, rings, etc. (According to Ibn Abbas, Hasan Basri and Hanafite scholars). Women observing either of the above forms of hijab are reasonably and satisfactorily fulfilling the purpose of the Qur'anic injunction and the intention of the Law-Giver (Shari").

(2) Al-Qur'an 24:31

"Men are qawwamun of women, because Allah has given one more (strength) than the other, and because they support them from their means..." (Al-Qur'an 4:34)

Men are considered providers, protectors and maintainers (qawwamun)[1] of women, and the care-takers of their affairs. Islam appoints men as the guardians[2] or care-takers (qawwamun) of the family, giving them authority with responsibility. They are the heads of the household, the status bearers, and the guide of the family.

Being the head of the household, the man is responsible for the protection, maintenance, and general welfare of the family. Being the status bearer, he is responsible to look after the relations of the family with the rest of the society. Being the guide of the family, he is responsible for the upbringing the off-spring in his own religious faith.

Women are primarily invested with responsibilities within[3] the family. Child-bearing and child-raising are the most natural and prestigious roles of women. In addition, women are obligated to guard the virtues, property, and reputation of the family in their husband's

(1) The term "qawwamun" refers to the one who stands up (from 'qama', meaning 'to stand') for another in a protective and benevolent way.

(2) The Prophet (S) said: "Beware each of you is guardian and each of you will be questioned about your wards. The man is the guardian of his family and will be answerable about every member of it..." (Mishkat)

(3) Women may take up gender-appropriate roles in the society, such as teachers, medical professionals, para-professionals and the like, to (preferably) serve the population of women and children. However, the priority goes to their responsibility within the family. The Prophet (S) said: "Homemaking (God-willing) raises the station of a woman to the level of those who make Jihad." (Kanz)

absence. Their adherence to the decisions made by the head of the household after mutual consultation (shura) maintains harmony in the family.

فَالصَّٰلِحَٰتُ قَٰنِتَٰتٌ حَٰفِظَٰتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ

"...Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence that Allah would have them guard..." *(Al-Qur'an 4:34)*

The roles and activities of men and women are complementary to each other. They are both equally essential for smooth and successful family functioning. The spouses find fulfillment in each other. Love, kindness, and understanding are the working tools; peace and tranquility[1] are the outcome.

(1) Al-Qur'an 30:21

Chapter VI

Rights And Responsibilities

A clear understanding of rights and responsibilities is essential for the smooth operation of any institution. Islam has given so much importance to defining the rights and responsibilities of men and women that about one-third of the Qur'anic legal injunctions (muhkamat) are related to the family and its proper regulation.

(A) Defining the Islamic Family

In the Islamic family the rights of men and women are complementary rather than competitive. The rights of males and females are equal in importance but are not identical in substance. The female role of mother and wife is considered most sacred and essential. The males are entrusted with the obligation to provide for, support, and protect all female members of the family ('a'ilah) --

(B) Defining the Rights

In an Islamic family, the roles of members are defined very clearly. The responsibilities of the members of a family are complementary to one another. One party's right becomes other party's obligation and vice-versa.

وَ اتَّقُوا اللّٰهَ الَّذِیْ تَسَآءَلُوْنَ بِهٖ وَ الْاَرْحَامَ ؕ اِنَّ اللّٰهَ كَانَ عَلَیْكُمْ رَقِیْبًا ①

"...Be careful of your duty toward Allah in Whom you claim (your rights) of one another, and toward the wombs (that bore you). Lo! Allah is ever watchful over you." *(Al-Qur'an 4:1)*

The rights and responsibilities of men and women are given by Allah and are eternal and immutable. No temporal ruler or human agency can abolish and/or change them.

(1) The Parents' Rights (The Children's Obligations)

The rights of parents come second only to the highest duty in Islam, i.e., worshipping none except Allah.

وَ قَضٰی رَبُّكَ اَلَّا تَعْبُدُوْۤا اِلَّاۤ اِیَّاهُ وَ بِالْوَالِدَیْنِ اِحْسَانًا ؕ اِمَّا یَبْلُغَنَّ عِنْدَكَ الْكِبَرَ اَحَدُهُمَاۤ اَوْ كِلٰهُمَا فَلَا تَقُلْ لَّهُمَاۤ اُفٍّ وَّ لَا تَنْهَرْهُمَا وَ قُلْ لَّهُمَا قَوْلًا كَرِیْمًا ㉓

"Your Lord has decreed, that you worship none save Him, and that you show kindness (Ihsan) to parents. If one of them or both of them attain to old age with you, say not 'fie' unto them nor repulse them, but speak unto them a gracious word." *(Al-Qur'an 17:23)*

Children are obligated to show kindness (Ihsan) to their parents.[1] Ihsan is an Islamic term in Arabic which denotes that which is right, good, and beautiful. Ihsan is a comprehensive term which includes, among other things, kindness, compassion, charity, reverence, and

(1) Parents are entitled to this kind of treatment (Ihsan) even if they are non-practicing Muslims or non-Muslims.

conscientiousness. Children are required to be kind, compassionate, respectful, patient, and polite[1] to their parents.

The parents have the right to expect obedience[2] or deference from their children. However, in case of a conflict between obedience to parents and obedience to Allah, Allah's obedience must be observed over parents'.

وَ وَصَّيْنَا الْاِنْسَانَ بِوَالِدَيْهِ حُسْنًا ؕ وَ اِنْ جَاهَدٰكَ لِتُشْرِكَ بِيْ مَا لَيْسَ لَكَ بِهٖ عِلْمٌ فَلَا تُطِعْهُمَا ؕ اِلَيَّ مَرْجِعُكُمْ فَاُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُوْنَ ۝

"We have enjoined on man kindness to parents; but if they strive to make you join with Me that of which you have no knowledge, then obey them not. Unto Me is your return and I shall tell you what you used to do."

(Al-Qur'an 29:8)

The children have the duty to provide support and maintenance for their parents in case of need. They should help them to be as comfortable as possible.

يَسْـَٔلُوْنَكَ مَاذَا يُنْفِقُوْنَ ؕ قُلْ مَاۤ اَنْفَقْتُمْ مِّنْ خَيْرٍ فَلِلْوَالِدَيْنِ وَالْاَقْرَبِيْنَ وَالْيَتٰمٰى وَ الْمَسٰكِيْنِ وَابْنِ السَّبِيْلِ ؕ وَ مَا تَفْعَلُوْا مِنْ خَيْرٍ فَاِنَّ اللّٰهَ بِهٖ عَلِيْمٌ ۝

"They ask you (O Muhammad); what they shall spend. Say: That which you spend for good (must go) to parents, and near kindred or orphans, and the needy

(1) The Prophet (S) said: "The major sins are associating anything with Allah, and rudeness to parents, and killing anyone and swearing a false oath purposefully." (Bukhari)

(2) The children should avoid the extreme attitude of indiscriminate submission on one hand or irresponsible defiance on the other.

and the wayfarer. And whatsoever good you do, Lo! Allah is Aware of it." *(Al-Qur'an 2:215)*

Children are exhorted to pray for their parents during their lifetime and even after their demise.

رَبَّنَا اغْفِرْ لِي وَلِوَالِدَيَّ وَلِلْمُؤْمِنِينَ يَوْمَ يَقُومُ الْحِسَابُ ﴿٤١﴾

"Our Lord! Forgive me and my parents and believers on the day when the account is cast. *(Al-Qur'an 14:41)*

(2) The Children's Rights (The Parents' Obligations)

Children have the primary right to life. The preservation of the children's life is a sacred duty for the parents.

وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِنْ إِمْلَاقٍ ۖ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ ۚ

"...and that you slay not your children because of penury -- We provide for you and for them..."

(Al-Qur'an 6:151)

Islam establishes the right of legitimacy for all children. Every child is to be recognized by his or her biological (real) parents.[1] Children born out of wedlock (a rare possibility in an Islamic society) are not stigmatized for the sins of their parents. They are recognized as brothers/ sisters in Islam and their dignity is upheld.

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(1) "God did not make your adopted sons as your own sons. To declare them so is your empty claim. God's word is righteous and constitutes true guidance." (Al-Qur'an 33:4)

Once the fatherhood of a child is established biologically, it is irrevocable. Adoption is, therefore, not allowed in Islam. Children, however, can be fostered/raised by foster-parents with full recognition of their biological parents.

أُدْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِندَ اللَّهِ ۚ فَإِن لَّمْ تَعْلَمُوا آبَاءَهُمْ فَإِخْوَانُكُمْ فِي الدِّينِ وَمَوَالِيكُمْ

"Proclaim their real parentage. That will be more equitable in the sight of Allah. And if you kow not their fathers then (they are) your brothers in the faith, and your clients..." *(Al-Qur'an 33:5)*

Man is the head of the household. His wife and minor children are his dependents. It is husband's and father's duty to support and maintain his dependents.

Prophet Muhammad (S) said:

"It is indeed a sin for a person to hold back the sustenance of one whose living depends on him" *(Muslim)*

Parents are obligated to give a good pleasant name to each child born. The birth of a child is an occasion to be marked with joy and charity.

"Prescribe a name for the child on the seventh day after birth and perform 'Aqiqa ceremony after getting the baby's hair shaved off." *(Tirmidhi)*

Children have the rights to socialization and general care. Parents are obligated to raise their children as Muslims and in the best possible Islamic way. They should attend to their educational (talimi) needs and teach them proper Islamic manners (tarbiyah).

Prophet Muhammad (S) said:

"The best gift that a father can bestow upon his son is to arrange good education and training for him." *(Mishkat)*

(3) The Wife's Rights[1] (The Husband's Obligations)

The wife has a right to her maintenance (Nafaqa) by her husband. The husband is responsible for providing food, clothing, shelter, and general care according to his means without causing the wife to suffer.

لِيُنْفِقْ ذُوْ سَعَةٍ مِّنْ سَعَتِهٖ ؕ وَ مَنْ قُدِرَ عَلَيْهِ رِزْقُهٗ فَلْيُنْفِقْ مِمَّآ اٰتٰىهُ اللّٰهُ ؕ
لَا يُكَلِّفُ اللّٰهُ نَفْسًا اِلَّا مَآ اٰتٰىهَا ؕ سَيَجْعَلُ اللّٰهُ بَعْدَ عُسْرٍ يُّسْرًا ۝

"Let him who has abundance spend of his abundance, and whose provision is measured, let him spend of that which Allah has given him. Allah asks naught of any soul save that which He has given it Allah will vouchsafe after hardship, ease." *(Al-Qur'an 65:7)*

اَسْكِنُوْهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِّنْ وُّجْدِكُمْ وَ لَا تُضَآرُّوْهُنَّ لِتُضَيِّقُوْا
عَلَيْهِنَّ ؕ

"...Lodge them where you dwell, according to your wealth, and harass them not so as to straiten life them..." *(Al-Qur'an 65:6)*

The wife also has the right to her marriage-gift (mahr). The payment of mahr by her husband may be prompt, deferred[2], or depending upon the agreement of the parties. The amount of mahr is customarily determined by mutual agreement, keeping the position and status of both husband and wife in mind according to the prevailing social norms. The wife has the right to remit her mahr wholly or partly if she so desires.

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(1) "...And they (women) have rights similar to those (of men) over them in kindness,..." (Al-Qur'an 2:228)

(2) The deferred mahr becomes due in case of divorce or widowhood.

وَاٰتُوا النِّسَآءَ صَدُقٰتِهِنَّ نِحْلَةً ؕ فَاِنْ طِبْنَ لَكُمْ عَنْ شَیْءٍ مِّنْهُ نَفْسًا فَكُلُوْهُ هَنِیْٓـًٔا مَّرِیْٓـًٔا ۝

"And give to the women (whom you marry) free gift of their marriage portion; but if they of their own accord remit to you a part thereof, then you are welcome to absorb it (in your wealth)." *(Al-Qur'an 4:4)*

The husbands, being the guides for the family, are responsible for providing religious guidance to wives and children.

یٰۤاَیُّهَا الَّذِیْنَ اٰمَنُوْا قُوْۤا اَنْفُسَكُمْ وَاَهْلِیْكُمْ نَارًا

"O you who believe! Strive to protect your- selves and your wives and children from the (hell) fire..."

(Al-Qur'an 66:6)

In addition to material rights, the wife has non-material rights as well. These rights are more of a moral than legal nature. The husband is enjoined by divine laws to treat his wife with equity[1], to respect her feelings, to love her, and to show her kindness[2] and consideration.[3]

Prophet Muhammad (S) said:

"...the best among you are those who behave best towards their families." *(Tirmidhi)*

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(1) Al-Qur'an 2:223

(2) Al-Qur'an 30:21

(3) Al-Qur'an 65:6
It is interesting to note the following Biblical reference:
"Husbands, love your wives, and be not bitter against them."
(Colossians. Chapter 3:9) Ref: *The Thompson Chain Reference Bible, 5th Ed.*

(4) The Husband's Rights (The Wife's Obligations)

The rights of husband are precisely summed up in the following saying of Prophet Muhammad(S).

The Prophet Muhammad (S) said:

"It is the right of the husband over his wife that she should never deny him her favour whenever he approaches her. It is his right that she should not give away anything from the household without his permission. If she should do so, she will bear the consequences and he will get the divine reward (for the gift). It is his right that she should not fast (nafl or voluntary) without his permission. If she does, she will suffer hunger, and thirst without a reward. And if she goes out of the house without his permission, the angels will curse her until she returns, unless she repents." *(Bukhari & Muslim)*

The wife is obligated to contribute to the blissfulness of the marriage as much as she can. She should make the home a pleasant place for her husband and family.

The Prophet (S) declared:

"Home is the best place in the world." (Hadith)

Prophet Muhammad (S) also said:

"The entire world is full of resources, and among them the best resource is a righteous wife." *(Muslim)*

The wife is obligated to provide companion- ship, comfort, love, and kindness to her husband. She is also obligated to protect his property and his honour when he is away from her.

"The best of your women is the one who when he commands her, she obeys him; and when he is away from her, she continues to have regards for him, protecting his wealth and preserving his honour." (Ibn Majah)

The husband has the right to expect co-operation from his wife in all that is good (ma'ruf).

وَالْمُؤْمِنُوْنَ وَالْمُؤْمِنٰتُ بَعْضُهُمْ اَوْلِيَآءُ بَعْضٍ ۘ يَاْمُرُوْنَ بِالْمَعْرُوْفِ وَ يَنْهَوْنَ عَنِ الْمُنْكَرِ

"And the believers, men and women, are protecting friends one of another; they enjoin the right and forbid the wrong..." *(Al-Qur'an 9:71)*

The women are expected to help their husbands in following the way of life prescribed by Allah. She should assist him in raising and training the children in Islam. The man prays to his Lord:

وَالَّذِيْنَ يَقُوْلُوْنَ رَبَّنَا هَبْ لَنَا مِنْ اَزْوَاجِنَا وَذُرِّيّٰتِنَا قُرَّةَ اَعْيُنٍ وَّ اجْعَلْنَا لِلْمُتَّقِيْنَ اِمَامًا ۝

"And who say: Our Lord! Vouchsafe us comfort of our wives and of our off-spring, and make us pattern for (all) those who ward-off (evil)." *(Al-Qur'an 25:74)*

In order to fulfill her obligations, the wife is obedient[1], faithful, honest and trustworthy.

فَالصّٰلِحٰتُ قٰنِتٰتٌ حٰفِظٰتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللّٰهُ ؕ

"...So the righteous women are devoutly obedient

(1) It is interesting to note the following Biblical reference:
"Wives, submit yourself unto your own husbands, as it is fit in the Lord."
(Colossians. Chapter 3:18) Ref.: The Thompson Chains Reference Bible, 5th Ed.

(qanitat), and guard in (the husband's) absence that Allah would have them guarded..." *(Al-Qur'an 4:34)*

There is no obedience in disobedience of Allah. Obedience is only in just (ma'ruf) matters. The obedience of a woman to her husband is qualified only if it falls under:

(a) Islam's permissible (halal) categories of action, and

(b) The husband's right.

The husband has no material right over his wife. The husband's rights over his wife are more of a moral than legal nature. The wife is expected to respect her husband's feelings, to love him, and to show him kindness and consideration.

وَجَعَلَ بَيْنَكُمْ مَّوَدَّةً وَّرَحْمَةً ۚ إِنَّ فِي ذَٰلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾

"...And He ordained between you love and mercy. Lo, herein indeed are portents for folk who reflect."

(Al-Qur'an 30:21)

(5) The Rights and Obligations of the Brother-Sister Relationship

The relations of blood-ties are given utmost importance in the family unit[1]. Severing blood-ties is strongly disapproved.

The Prophet Muhammad (S) said:

(1) Respect for the elders and consideration for the young ones is the operational directive in a Muslim family unit.

"One who severs (blood-ties) shall not enter paradise." *(Bukhari)*

Unity and co-operation among blood brothers and sisters contribute to the solidarity of the family. In the spirit of brotherhood they are recommended to collectively support the needy deserving relatives in the family. The mutual obligations of brothers and sisters are governed by kindness, love, empathy, and equity.

وَ اعْبُدُوا اللّٰهَ وَ لَا تُشْرِكُوْا بِهٖ شَيْـًٔا وَّ بِالْوَالِدَيْنِ اِحْسَانًا وَّ بِذِی الْقُرْبٰی

"And serve Allah. Ascribe nothing as partner unto Him. (Show) kindness unto parents, and unto near kindred,..." *(Al-Qur'an 4:36)*

Chapter VII

Building-Blocks Of An Islamic Family

Islam advocates the following for maintaining a strong and happy extended family ('a'ilah).

(A) God-Consciousness (Taqwa)

God-consciousness (taqwa) is the foundation of Islamic conduct. Taqwa implies the consciousness of Allah in every action. It includes doing all that is good only for the love of Allah and avoiding all that is bad only out of the fear of Allah. Men and women are to observe taqwa in their individual behavior, and in their dealings with one another.

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ ٱتَّقُوا۟ ٱللَّهَ وَلْتَنظُرْ نَفْسٌ مَّا قَدَّمَتْ لِغَدٍ ۖ وَٱتَّقُوا۟ ٱللَّهَ ۚ
إِنَّ ٱللَّهَ خَبِيرٌۢ بِمَا تَعْمَلُونَ ﴿١٨﴾

"O you who believe! Observe your duty (taqwa) to Allah. And let every soul look to that which it sends on before for the morrow. And observe your duty (taqwa) to Allah! Lo! Allah is Informed of what you do."

(Al-Qur'an 59:18)

(B) Modesty (Haya')[1]

Men and women both are to guard their modesty.

(1) Literally Haya' means shyness. Haya' implies that shyness or bashfulness which a wrong-doer feels before his own nature and before his God. This shyness prevents a person from indulging in indecency and obscenity. The Islamic moral teachings awaken this dormant feeling of shyness (Haya') in human nature, developing it as a

Conti...on p.62

They should exhibit sound morality in their thinking, behaviour, and appearance.

قُل لِّلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ۚ ذَٰلِكَ أَزْكَىٰ لَهُمْ ۗ

"Tell the believing men to lower their gaze and be modest. That is purer for them..." *(Al-Qur'an 24:30)*

وَقُل لِّلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ

"And tell the believing women to lower their gaze and be modest;..." *(Al-Qur'an 24:31)*

To guard modesty and to preserve the sanctity of family, Islam recommends several preventive measures such as segregation of non- mahram men and women (Al-Qur'an 33:32,33; 53), dress code of jilbab (outer-garment) for women attaining puberty (Al-Qur'an 33:59), and respect for the privacy of the home (Al-Qur'an 24:27). Severe punitive laws apply to extra-marital sex and sexual promiscuity in the effort to safeguard chastity. (Al-Qur'an 24:2; 4:16,25)

(C) Kindness (Rahmah)

All individuals in the family must show kindness for one another. This attitude assists in building a loving, harmonious, and strong family.

Prophet Muhammad (S) declared:

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part of a person's mental make-up, so that it may serve as a strong moral deterrent against all evil inclinations.

Prophet Muhammad (S) said:

"Every religion has a morality, and the morality of Islam is Haya'." (Ibn Majah)

"Allah is Kind, and He likes kindness in all things."

(Bukhari & Muslim)

Blood relations provide strength and support to the family unit. Islam exhorts all to family solidarity by discouraging any severance[1] of relations between the blood relatives.

Prophet Muhammad (S) declared:

"One who severs (blood-ties) shall not enter paradise." *(Bukhari)*

(D) Identity

Each individual's basic identity is to be recognized. A woman's individual identity is recognized by advising her to retain her maiden name, her religion, or school of thought (if she so desires). Women have the rights to full possession and control over their property and earnings. Neither the husband nor the wife acquires any "right" on the other's property by reason of marriage. Men and women also have their own specific shares of inheritance[2] according to their respective position in the family.

(E) Moderation (Iqtisad)

Each individual is recommended to adopt a moderate

(1) Verbal, physical, mental or any other kind of abuse may lead to the severance of relations. Such harsh behaviour, therefore, is unacceptable in Islam.
The Prophet Muhammad (S) said:
"The believers who possess perfect faith are those who display the best manners, ..." (Tirmidhi)

(2) Al-Qur'an 2:180, 240, 4:7-9, 11-12, 19, 33, 176; 5: 106-107.

course. In all affairs extremes should be avoided.

Prophet Muhammad (S) warned:

"...for you have duty to your body, your eyes, your wife, and your visitor,..." *(Bukhari & Muslim)*

The pleasures of life can be enjoyed in moderation without one becoming a slave to worldly desires or losing sight of the ultimate spiritual goal. Men and women are encouraged to seek the good of this world as well as the hereafter in a balanced way.

رَبَّنَآ اٰتِنَا فِي الدُّنْيَا حَسَنَةً وَّ فِي الْاٰخِرَةِ حَسَنَةً وَّ قِنَا عَذَابَ النَّارِ ۝

"...O our Lord! Give us what is good in this world, and what is good in the hereafter, and save us from the torment of the hell-fire." *(Al-Qur'an 2:201)*

(F) Mutual Consultation (Shura)

Members of the family, young and old, male and female, are to be consulted in family matters. The affairs of the family are carried out after mutual consultation (shura) among the family members. This practice builds trust and confidence among the members of the family making it a strong unit. It also helps each individual to develop healthy decision making skills.

وَالَّذِيْنَ اسْتَجَابُوْا لِرَبِّهِمْ وَ اَقَامُوا الصَّلٰوةَ ۪ وَاَمْرُهُمْ شُوْرٰى بَيْنَهُمْ ۪

"And those who answer the call of their Lord and establish worship, and who conduct their affairs by mutual consultation,..." *(Al-Qur'an 42:38)*

(G) Just and Fair Dealing (Adl[1] and Ihsan[2])

Individuals in a family interact with each other constantly. They deal with each other both in exercising their mutual rights and carrying out mutual responsibilities. It is obvious that fair and just dealings are prerequisites for harmonious relationships.

يَاَيُّهَا الَّذِيْنَ اٰمَنُوْا كُوْنُوْا قَوّٰمِيْنَ لِلّٰهِ شُهَدَآءَ بِالْقِسْطِ ۫ وَ لَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلٰٓى اَلَّا تَعْدِلُوْا ؕ اِعْدِلُوْا ۟ هُوَ اَقْرَبُ لِلتَّقْوٰى ۫ وَ اتَّقُوا اللّٰهَ ؕ اِنَّ اللّٰهَ خَبِيْرٌۢ بِمَا تَعْمَلُوْنَ ۝

"O you who believe! Be steadfast witnesses for Allah in equity, and let not hatred of any people seduce you that you deal not justly. Deal justly, that is nearer to your duty. Observe your duty to Allah. Lo! Allah is Informed of what you do." *(Al-Qur'an 5:8)*

(H) Lawful Earning and Consumption (Halal)

The livelihood is to be earned and acquired in a legal (Halal) manner.

Prophet Muhammad (S) said:

"Trying to earn a lawful (halal) livelihood is an obligatory duty in addition to the duties which are obligatory." *(Mishkat)*

Unlawful earning and acquisition must be avoided.

Prophet Muhammad (S) said:

"A body reared on unlawful (Haram) earning will not

(1) "Adl" is justice in a legalistic sense and is represented by a scale which is evenly balanced.

(2) "Ihsan" refers to a restoring of balance by making up a loss or deficiency.

be allowed to enter the heaven but will be destined to hell." *(Tirmidhi)*

The family members must be able to distinguish between lawful (Halal) and unlawful (Haram) in all matters of earning, consumption, spending and dealing. Only legal ways must be followed.

Chapter VIII

Common Goal

For any organization to work effectively and achieve success it has to have a goal. Islam gives certain common goals to the family unit. Unity[1] and harmony are advanced when the members of the family work together towards achieving this common goal. Co-operation according to their according to their respective potentials is expected among the family members to attain the common goal.

The common goals, given to a family unit can be summed up as follows:

(A) Nuclear Family

* Keeping the entire family in the Islamic way of life.
* Raising children by providing education (talim), and training (tarbiyah) in Islam.
* Making family members the production members of the society.

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ قُوٓاْ أَنفُسَكُمۡ وَأَهۡلِيكُمۡ نَارٗا

"O you who believe! Strive to protect yourselves and your wives and children from the fire..."(Al-Qur'an 66:6)

(1) It must be remembered that unity is not a goal in itself. It is a means to achieve a goal.

(B) Extended Family

Goals:

* Extending a helping hand to each other according to needs.
* General concern for each other's welfare.

Prophet Muhammad (S) declared that the best among you is the one who is best to his family. *(Bayhaqi)*

(C) Neighbourhood

Goals:

* Building brotherly relations with Muslims.
* Encouraging all that is good and discouraging all that is bad in the neighbourhood.

وَالْمُؤْمِنُوْنَ وَالْمُؤْمِنٰتُ بَعْضُهُمْ اَوْلِيَآءُ بَعْضٍ ۘ يَأْمُرُوْنَ بِالْمَعْرُوْفِ وَ يَنْهَوْنَ عَنِ الْمُنْكَرِ

"And the believers, men and women, are protecting friends of one another; they enjoin the right and forbid the wrong..." *(Al-Qur'an 9:71)*

* Building friendly relations with the Muslim as well as non-Muslim neighgbours.

Prophet Muhammad (S) declared that the best neighbour is one who behaves best towards his neighbours. (Tirmidhi)

(D) Muslim Community
Goals:

* Building a model Muslim community through the local Masjid base.
* Inviting the non-Muslims to Islam (dawah).

وَ كَذٰلِكَ جَعَلْنٰكُمْ اُمَّةً وَّسَطًا لِّتَكُوْنُوْا شُهَدَآءَ عَلَى النَّاسِ وَ يَكُوْنَ الرَّسُوْلُ عَلَيْكُمْ شَهِيْدًا

"Thus we have appointed you a middle nation, that you may be witnesses against mankind, and that the messenger may be a witness against you..."

(Al-Qur'an 2:143)

(E) Global Muslim Ummah

Goal

* Assisting in the general welfare of the world Muslim ummah.

Muslims are like the human body in their mutual love, kindness, and compassion. When one part of the body is in pain, the entire body feels it. *(Hadith)*

Chapter IX

Conflict Management

In any group activity where individuals are interacting with each other constantly, differences and conflicts are bound to occur. The civility of a group is gauged by the manner in which the individuals resolve their differences and conflicts.

As a general conflict managemnt strategy, Muslims must take the Qur'an and the Sunnah of Prophet Muhammad (S) as their judge. Matters are to be settled accordingly.

إِنَّمَا كَانَ قَوْلَ الْمُؤْمِنِيْنَ إِذَا دُعُوْا إِلَى اللهِ وَ رَسُوْلِهٖ لِيَحْكُمَ بَيْنَهُمْ اَنْ يَّقُوْلُوْا سَمِعْنَا وَ اَطَعْنَا ؕ وَ اُولٰٓئِكَ هُمُ الْمُفْلِحُوْنَ ۝٥١

"The only saying of (all true) believers, when they are called to Allah (His words; the Qur'an) and His messenger, to judge between them, is that they say: 'We hear and we obey'. And such are the successful."

(Al-Qur'an 24:51)

All affairs must be conducted, judged and settled in accordance with the Qur'anic injuctions and Prophetic (S) traditions.

(A) Three-phased Disciplinary Measures

In a family unit, the husband assumes the

responsibility for maintaining Islamic order among the family members. In case of defiance, disloyalty and/or ill-conduct on the part of the wife, the following measures are suggested.

وَ الّٰتِیۡ تَخَافُوۡنَ نُشُوۡزَهُنَّ فَعِظُوۡهُنَّ وَاهۡجُرُوۡهُنَّ فِی الۡمَضَاجِعِ وَاضۡرِبُوۡهُنَّ ۚ
فَاِنۡ اَطَعۡنَکُمۡ فَلَا تَبۡغُوۡا عَلَیۡهِنَّ سَبِیۡلًا ؕ اِنَّ اللّٰهَ کَانَ عَلِیًّا کَبِیۡرًا ﴿۳۴﴾

"... As to those women on whose part you see ill-conduct, admonish them (first), next refuse to share their beds, (and last) beat them (lightly, if it is useful), but if they return to obedience, seek not against them means (of annoyance). Surely, Allah is Ever Most High, Most Great." *(Al-Qur'an 4:34)*

This three-phased disciplinary procedure allows for time intervals between the phases. The following order is suggested:

1) Kind exhortation (admonition),

2) Temporary suspension of conjugal relations,

3) Symbolic physical correction.[1]

(B) Arbitration

Upon failure of these measures, arbitration by family

(1) Light physical correction (Dharban ghayara mubarrih) is merely a symbolic expression to show disapproval of continued defiance, disloyalty and ill-conduct (Nushuz). Nushuz refers to such actions on the part of the wife as may threaten the solidarity and peaceful atmosphere of the family. The light striking is inadvisable, though permissible if found useful. Prophet Muhammad (S) has restricted the husband not to strike his wife on her face or in such a way that will leave a mark on her body. It is interesting to note that this very criteria is used in contemporary American law to separate a light or harmless tap or strike from 'abuse' in the legal sense.

members from each side, is recommended to resolve the differences between the spouses and bring about a viable harmony.

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا ۚ إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا ﴿٣٥﴾

"If you fear a breach between them twain (the man and his wife), appoint two arbitrators, one from his family and the other from her's; if they both wish for peace, Allah will cause their reconciliation. Indeed Allah is Ever All-Knower, Well-Acquainted with all things."

(Al-Qur'an 4:35)

It is only upon the failure of the arbitration and exhaustion of all the methods of reconciliation that a divorce may be invoked as a last resort. Islam allows divorce[1] as a solution to the problem of troubled marriage keeping the procedure simple and straight forward.

(1) In Western societies divorce has become a problem in itself rather than a solution to a problem.

Chapter X

Dissolution Of Marriage

Marriage is essentially a civil contract and not a sacrament. It is not irrevocable. Its success depends on the compatibility of the contracting parties. Provision for the dissolution of this contract is, therefore, provided in irreconcilable cases. However, because of its damaging consequences, divorce is very much discouraged. Islam considers it the most odious act among the permitted (halal) acts.

"Divorce is the most detestable in the sight of Allah of all permitted things." *(Mishkat)*

Spouses, therefore, are encouraged to work at resolving differences, and are given the opportunity to rectify, atone, and repeal their actions for divorce. However, under irreconcilable circumstances, the power of dissolving the matrimonial ties are given to both parties-husband and wife.

(A) Divorce Procedures

A marriage can be dissolved[1] in accordance with the Sunnah through the following procedures:

(1) Legally Muslim divorces can be obtained through any of the following procedures:
(a) Divorce by the husband (Talaq)
(b) Separation sought by the wife (Khul')
(c) Dissolution of the marriage by (Islamic) judicial process

(1) Talaq

Talaq literally means "letting go free." It is husband-instigated divorce.

فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّىٰ تَنْكِحَ زَوْجًا غَيْرَهُ

"And if he has divorced her (the third time), then she is not lawful to him thereafter..." *(Al-Qur'an 2:230)*

It involves one or multiple pronouncements by the husband that he divorces his wife. Each pronouncement is spaced with an interval of the completion of the wife's monthly menstrual period. The marriage is irrevocably broken after the third and final pronouncement of talaq. After the talaq, the former husband and the former wife cannot live together. After three talaqs the former spouses cannot remarry each other unless the women first has remarried someone else from whom she becomes widowed or divorced.

(It is not advisable to pronounce three talaqs. Better way is to pronounce one talaq and separate the wife after her iddah (three menstual cycles). In this case the option of remarriage remains open.)

(2) Khul' (Self-Redemption)

Khul' literally means "deposing, throwing off, or removing from office." It is wife- instigated divorce.

وَ إِنِ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ

"And if a woman fears cruelty or desertion on her husband's part, there is no sin on them both if they arrange an amicable settlement between themselves, and such settlement is better..." *(Al-Qur'an 4:128)*

It involves the release of a wife from the marriage contract, by her agreement to pay compensation to the husband. Such a dissolution or marriage is initiated by the woman but eventually depends on the consent[1] of the man.

(3) Li'an (Mutual Cursing)

Li'an literally means "mutual cursing." This kind of dissolution of marriage results from the husband's accusation that his wife has committed adultery. It is a valid reason for divorce if he takes the oath accusing his wife of adultery.[2] The wife, however, has the right to refute the accusation by taking the oath herself. If no proof either for or against the accusation is substantiated, reconciliation between the two parties is deemed impossible. Consequently, the marriage is dissolved by li'an.

(4) Divorce by Islamic Judicial Process

The Islamic court can grant a divorce to the wife for any of the inadequacies of the husband which are

(1) Islam gives husbands the right to hold a marriage or break it (Al-Qur'an 2:237). All the rights granted by Islam, however, are on the condition that they will not be used for aggression and/or for breaking the limits (hudud) of Allah (Al-Qur'an 65:1)

(2) Four eye-witnesses are necessary to prove adultery.

regarded as legitimate cause for divorce. Examples of such causes are long absence or desertion, impotence, failure to provide adequate support, physical or mental abuse, serious physical or mental illness, apostasy, and proven debauchery. The woman can originate dissolution of her marriage if it is so stipulated in a pre-nuptial commitment.

(B) Post-Divorce Settlement

The divorce in Islam is followed by pending obligations and concern for the future of the parties involved. Therefore, the parties are exhorted to piety, kindness, generosity, and goodwill towards each other in the post-divorce settlement.

وَلَا تَنسَوُا الْفَضْلَ بَيْنَكُمْ ۚ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٢٣٧﴾

"...And forget not kindness among yourselves. Allah is Seer of what you do." *(Al-Qur'an 2:237)*

After divorce (or death of the husband) the woman is required to wait for a specified period, called "Iddah," before she can remarry another person. Normally the period of waiting (iddah)[1] after divorce is three menstrual periods (Al-Qur'an 2:228). For the pregnant woman, the waiting period (iddah) lasts until the delivery of the baby.

(1) Alimony

The divorced husband is responsible for the payment

(1) The waiting period (iddah) of a non-pregnant women separated by the death of her husband is four months and ten days.

of 'mahr' (if it has not been paid already) to the divorcing wife. The maintenance of the divorced wife during the 'iddah' is the responsibility of the divorcing husband. After the expiry of 'iddah' the woman has no claim of maintenance from her divorced husband.

(2) Child support

The maintenance of the children remains the responsibility of the father. In case of male children, the father has to support them until they have reached the age of puberty and are able to manage by themselves. In case of female children, the father has to support them until they get married.

(3) Custody

The mother has the first right to the custody of her children until they reach the age of seven. After the age of seven the custody of the children reverts to the father.

The mother's prior right to the custody of her children is contingent upon her being of sound mind and good moral character. The mother loses her right to custody of the children in the following cases:

* If she is morally lax, or
* If it is feared that she would raise the children as non-Muslims, or
* If she marries anyone other than the father of the children.

Chapter XI

Inheritance

Inheritance is defined as the property (movable or immovable) left behind by a deceased Muslim. In order to protect the interests of near relatives in a just and equitable[1] manner, Islam specifies laws of inheritance. The division of inheritance according to these Islamic rules is an important part of the duties and obligations (Huquq-ul-ibad) of the family.

The property of the deceased is distributed among the heirs after meeting the following financial obligations:

(a) Funeral expenses of the deceased,

(b) Payment of his/her debts,[2]

(c) Payment of bequests[3] if any.

مِنۢ بَعۡدِ وَصِيَّةٖ يُوصِيَ بِهَآ أَوۡ دَيۡنٍ

"...(The distribution in all cases is) after the payment

(1) In Islam, women (mother, wives, daughters, sisters), invalids, minors and parents are entitled to shares without any regard to sex, age or order of birth.

(2) There are three kinds of debts: Primary, secondary and tertiary. The debts are to be paid in that order of precedence. Primary debt is that which is confirmed by the deceased when he was alive or that which has been proven by witnesses, or is established through other sources or means. Secondary debt is that which is confirmed by the person while on the death bed, but is not generally known to the public. Tertiary debt is compensation for missed prayers (Salah), fasts, zakah, hajj, broken pledges, etc.

(3) The bequest (specified in the will by the deceased) cannot exceed more than one-third of the total assets.

of legacies he may have bequeathed or debts...."

(Al-Qur'an 4:11)

After taking care of the above payments the remainder of the property is divided among the surviving heirs according to the Islamic laws of inheritance.

Prophet Muhammad (S) said:

"Pay the fixed shares of inheritance to the persons entitled to them. What remains there- after is for the nearest male person." *(Bukhari & Muslim)*

(A) Categories of Heirs

There are three categories of primary heirs as illustrated in the following table (A).

Table (A)

S.N.	Categories of Primary Heir(s)	Male	Female
1.	The spouses	Husband	wife/wives
2.	The parents	Father	Mother
3.	The children	Son(s)	Daughter(s)

The primary heirs form the inner core of the family. They must receive a definite share in the inheritance. Their right to inheritance is inexcludable. The shares of these heirs are never eliminated on account of any other heirs.

There are four categories of secondary heirs as illustrated in the following table (B).

Table (B)

S.N.	Categories of Secondary Heir(s)	Male	Female
1.	The True Grandparent(s)	Grandfather	Grandmother
2.	The full Brother(s)/Sister(s) (Same father and mother)	Brother(s)	Sister(s)
3.	Consanguine Sister(s) Same father but not the same mother		Sister(s)
4.	The Son's Daugher(s)		Daughter(s)

The secondary heirs receive a fixed share in the inheritance only under a certain set of conditions. Their right to inheritance is excludable. The shares of these heirs are eliminated on account of other inexcludable heirs.

(B) Shares of Inheritance

The shares of the inheritance are specifically defined in the Qur'an (4:11-12) and Sunnah. The share of each surviving heir becomes his/her God-given right. The Prophet Muhammad (S) said:

> *"If one deprives any heir of his share, Allah will deprive him of his right to paradise."* *(Ibn Majah)*

The following table (C) illustrates a general scheme of the distribution of inheritance to the primary heirs:

Inheritance Shares of Primary Heirs

Table (C)

	Surviving Heir(s)	Set of Condition(s)	Share
	Husband	When the deceased leaves no children	1/2
		When leaves children	1/4
	Wife	When leaves no children	1/4
		When leaves children	1/8
	Father	When leaves children	1/6
	Mother	When leaves children	1/6
	Daughter(s)	Single daughter and no son	1/2
		Multiple daughters and no son	2/3
	Son(s)[1] and Daughter(s)	When son(s) and daughter(s) both alive	The whole of the residue left after giving the surviving parents' and spouses' shares

The shares of these primary heirs are inexcludable. These shares should never be eliminated on account of any other heirs.

The following table (D) illustrates a general scheme of the distribution of inheritance to the secondary heirs:

(1) A son takes twice as much as the daughter.
"Allah commands you as regards your children's (inheritance); to the male , a portion equal to that of two females; ... (Al-Qur'an 4:11)

Inheritance Shares of Secondary Heirs

Table (D)

	Surviving Heir(s)	Set of Condition(s)	Share
	Grandfather	When the deceased leaves no father	1/6
	Grandmother	When the deceased leaves no mother	1/6
	Uterine (full) Sister(s)	When the deceased leaves only one real sister but no children, father, grandfather, or real brother	1/2
		When more than one sisters with above conditions	2/3
	Uterine (full) Brother(s) or Sister(s)	When the deceased leaves only one uterine brother or sister but no children, father, grandfather, etc.	1/6
		When more than one brothers or sisters with above conditions.	1/3

The shares of these secondary heirs are excludable. These shares are eliminated on account of any other inexcludable heirs. It should be noted that the nearer relative (in degree of relation) excludes the remote relative. Example: Grandfather is excluded by father.

(C) Persons Excluded from Inheritance

The following categories of people are excluded to the inheritance of any asset of the deceased:

1. The murderer of the deceased,

   Prophet Muhammad (S) said:

   "The murderer shall not inherit." *(Ibn Majah & Tirmidhi)*

2. The person with different religion

   Prophet Muhammad (S)

   "People of two different religions shall not inherit from one another."

   (Abu Dawood, Ibn-Majah and Tirmidhi)

3. The adopted sons(s)/daughter(s) or any other such relatives.

   "God did not make your adopted sons as your own sons. To declare them so is your empty claim. God's word is righteous and constitutes the true guidance."

   (Al-Qur'an 33:4)

4. The step-relatives and in-law relatives

   There is no inheritance share to step-relations [step-son(s), step-daughter(s), step-mother, step-father, etc.] and in-law relations [father-in-law, mother-in-law, son-in-law, etc.]

(D) Last Will and Testament (Wasaya)

Islam enjoins the Muslim to write his/her will, which takes effect after the death of the testator.

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا ۖ الْوَصِيَّةُ لِلْوَالِدَيْنِ وَ
الْأَقْرَبِينَ بِالْمَعْرُوفِ ۖ حَقًّا عَلَى الْمُتَّقِينَ ﴿١٨٠﴾

"It (bequest) is prescribed for you when death approaches one of you if he leaves wealth, that he

bequeath to parents and near relatives in kindness. (This is) a duty for all those who ward off (evil)."

(Al-Qur'an 2:180)

To maintain peace in the family and order in the society, Prophet Muhammad (S) has recommended writing of a will as soon as possible since no one knows when death will approach.

The Prophet Muhammad (S) said:

"It is not proper for a Muslim who has got something to bequeath that he should pass even two nights without his 'Will' kept written near him."

(Bukhari & Muslim)

The Shari'ah does not allow any testamentary transfers to anyone who receives any share in the inheritance (large and small). It also does not allow the total value of the contributions and transfers in the will to exceed 33.33% of the net value of the estate.

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